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HOUSE BILL 180

48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008

INTRODUCED BY

Brian K. Moore

AN ACT

RELATING TO ECONOMIC DEVELOPMENT; ENACTING THE MANNY HERRERA
ACCESS TO HEALTHY FOODS ACT; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE.--This act may be cited as the
"Manny Herrera Access to Healthy Foods Act".

Section 2. DEFINITIONS.--As used in the Manny Herrera
Access to Healthy Foods Act:

- A. "board" means the healthy food initiatives
board;
- B. "department" means the economic development
department;
- C. "financial assistance" means providing grants or
loans on terms and conditions approved by the board; and
- D. "qualified project" means a healthy food

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1 initiatives project selected by the board for financial
2 assistance pursuant to the Manny Herrera Access to Healthy
3 Foods Act.

4 Section 3. HEALTHY FOOD INITIATIVES BOARD CREATED.--

5 A. The "healthy food initiatives board" is created
6 and is administratively attached to the department.

7 B. The board shall consist of nine voting members.

8 C. The six voting ex-officio members are:

9 (1) the director of the New Mexico department
10 of agriculture or the director's designee from the New Mexico
11 department of agriculture;

12 (2) the secretary of economic development or
13 the secretary's designee from the department, who shall be
14 chair of the board;

15 (3) the secretary of finance and
16 administration or the secretary's designee from the department
17 of finance and administration;

18 (4) the secretary of health or the secretary's
19 designee from the department of health;

20 (5) the secretary of human services or the
21 secretary's designee from the human services department; and

22 (6) the secretary of Indian affairs or the
23 secretary's designee from the Indian affairs department.

24 D. The following three voting members, who shall
25 have experience with the process by which food products are

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1 produced and distributed from the producer to the consumer,
2 shall be appointed by the governor:

3 (1) a representative from the New Mexico food
4 and agriculture policy council;

5 (2) a representative from the transportation
6 industry; and

7 (3) a representative from the grocery
8 industry.

9 E. The board shall meet at the call of the chair or
10 whenever four voting members submit a request in writing to the
11 chair, but not less than twice each calendar year. A majority
12 of members constitutes a quorum for the transaction of
13 business. The affirmative vote of at least a majority of a
14 quorum shall be necessary for an action to be taken by the
15 board.

16 F. Each appointed member of the board shall serve a
17 two-year term. Vacancies shall be filled by appointment by the
18 original appointing authority for the remainder of the
19 unexpired term.

20 G. Members of the board appointed by the governor
21 may receive per diem and mileage as provided for nonsalaried
22 public officers in the Per Diem and Mileage Act and shall
23 receive no other compensation, perquisite or allowance.

24 Section 4. HEALTHY FOOD INITIATIVES BOARD--DUTIES.--The
25 board shall:

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1 A. adopt rules governing terms, conditions and
2 priorities for providing financial assistance to applicants
3 proposing projects to improve the access of New Mexicans to
4 healthy foods, including developing application and evaluation
5 procedures and forms and qualifications for applicants and for
6 projects;

7 B. provide financial assistance to approved
8 applicants for qualified projects on terms and conditions
9 established by the board; and

10 C. authorize funding for qualified projects,
11 including:

12 (1) planning, designing, constructing and
13 implementing qualified projects;

14 (2) paying start-up costs, including financing
15 for capital costs and inventory;

16 (3) participating in a low-interest revolving
17 loan fund; and

18 (4) paying legal costs and fiscal agent fees
19 associated with the implementation of qualified projects.

20 Section 5. HEALTHY FOOD INITIATIVES FUND--CREATED--
21 PURPOSE--APPROPRIATIONS.--

22 A. The "healthy food initiatives fund" is created
23 in the state treasury and shall be administered by the
24 department of finance and administration. The healthy food
25 initiatives fund shall consist of money that is appropriated,

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1 donated or otherwise accrues to it. Money in the healthy food
2 initiatives fund shall be invested by the state investment
3 officer in the manner that land grant permanent funds are
4 invested pursuant to Chapter 6, Article 8 NMSA 1978. Income
5 from investment of the healthy food initiatives fund shall be
6 credited to the fund.

7 B. The department of finance and administration may
8 establish procedures and adopt rules as required to administer
9 the healthy food initiatives fund and to originate grants or
10 loans for qualified projects approved by the board.

11 C. Money in the healthy food initiatives fund is
12 appropriated to the department of finance and administration
13 for expenditure to carry out the provisions of the Manny
14 Herrera Access to Healthy Foods Act by providing grants or
15 loans for qualified projects. Any unexpended or unencumbered
16 balance remaining at the end of a fiscal year shall not revert
17 to the general fund.

18 Section 6. LEGISLATIVE OVERSIGHT--RULE REVIEW--REPORT.--

19 A. Rules proposed by the board and the department
20 of finance and administration pursuant to the Manny Herrera
21 Access to Healthy Foods Act shall be reviewed by the
22 appropriate legislative interim committee prior to approval.

23 B. The appropriate legislative interim committee
24 shall be briefed by the board on grant and loan proposals
25 submitted to the board and shall review, monitor and provide

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1 assistance and advice concerning grants and loans made by the
2 board.

3 C. The board shall report to the appropriate
4 legislative interim committee no later than October 1 of each
5 year regarding the total expenditures from the healthy food
6 initiatives fund for the previous fiscal year, the purposes for
7 which expenditures were made, an analysis of the progress of
8 the projects funded and proposals for legislative action in the
9 subsequent legislative session.

10 Section 7. APPROPRIATION.--Ten million dollars
11 (\$10,000,000) is appropriated from the general fund to the
12 healthy food initiatives fund for expenditure in fiscal year
13 2009 and subsequent fiscal years for expenditure pursuant to
14 the Manny Herrera Access to Healthy Foods Act to implement the
15 provisions of that act. Any unexpended or unencumbered balance
16 remaining at the end of a fiscal year shall not revert to the
17 general fund.